

DISCIPLINE HEARING OFFICER REPORT
U.S. DEPARTMENT OF JUSTICEBP-S305.052 MAY 94
FEDERAL BUREAU OF PRISONS

INSTITUTION	MDC Brooklyn		INCIDENT REPORT NUMBER			1601577
INMATE NAME	Ozsusamlar, O		REG NO	53271-054	UNIT	B
DATE OF INCIDENT	5/9/07		DATE OF INCIDENT REPORT			5/22/07
OFFENSE CODE(S)		203				
SUMMARY OF CHARGES		Threatening Another with bodily Harm				
I. NOTICE OF CHARGE(S)						
A. Advanced written notice of charge (copy of Incident Report) was given to inmate on (date) 5/22/07 at 2:10pm (by staff member) Munoz						
B. The DHO Hearing was held on (date) 5/31/07 at (time) 10:10am						
C. The inmate was advised of his/her rights before the DHO by (staff member): Facey, Case Manager on (date) 5/24/07 and a copy of the advisement of rights form is attached.						
II. STAFF REPRESENTATIVE						
A. Inmate waived right to staff representative. Yes: <input checked="" type="checkbox"/> No: <input type="checkbox"/>						
B. Inmate requested staff representative and N/A appeared.						
C. Requested staff representative declined or could not appear but inmate was advised of option to postpone hearing to obtain another staff representative with the result that: N/A.						
D. Staff representative		N/A			was appointed.	
E. Staff representative statement: I reviewed the incident report packet.						
III. PRESENTATION OF EVIDENCE						
A. Inmate admits <input type="checkbox"/> denies <input checked="" type="checkbox"/> the charge(s).						
B. Summary of inmate statement: I have never had a problem with staff or inmates. The letter went to the judge. Yes this is my hand writing and signature. It also went to the attorney. I lost everything and was having problems. My friend went to get the transcript from the court. I never threatened anybody. Somebody else wrote it for me. My English is not that good. Somebody helped me but I do not remember who helped me.						
C. Witness(es):						
1. The inmate requested witness(es).				Yes: <input type="checkbox"/>	No: <input checked="" type="checkbox"/>	<input type="checkbox"/>
2. The following persons were called as witnesses at this hearing and appeared. (Include each witnesses' name, title, reg number and statement as appropriate.) N/A						
3. The following persons requested were not called for the reason(s) given.						

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FOI EXEMPT

EXHIBIT

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N/A						
4. Unavailable witnesses were requested to submit written Yes No N/A X						
D. Documentary Evidence: In addition to the Incident Report and Investigation, the DHO considered the following documents:						
Copy of handwritten letter addressed to Mr. Soloway and Judge Leisure dated 5/7/07 and signed by Osman Ozsusamalar #53271-054						
E. Confidential information was used by DHO in support of his findings, but was not revealed to the inmate. The confidential information was documented in a separate report. The confidential information has been (confidential informants have been) determined to be reliable because:						
N/A						
IV. FINDINGS OF THE DHO						
<input checked="" type="checkbox"/> A. The act was committed as charged. <input type="checkbox"/> B. The following act was committed: <input type="checkbox"/> C. No prohibited act was committed: Expunge according to Inmate Discipline PS.						
V. SPECIFIC EVIDENCE RELIED ON TO SUPPORT FINDINGS (Physical evidence, observations, written documents, etc.)						
<p>Your due process rights were read and reviewed with you by the DHO at the time of the hearing. You stated you understood your rights, had no documentary evidence to present and requested no witnesses. You also did not request the service of a staff representative. You then indicated that you were ready to proceed with your DHO Hearing.</p> <p>The DHO finds that you committed the prohibited act of Code 203, Threatening Another with bodily harm. The finding is based on the written statement of the reporting officer that it was concluded on 5/22/07 that you threatened another person. Specifically, on 5/9/07, you addressed a letter to Judge Peter K. Leisure. IN the letter you made the following statements; I not write any more it not doing good. My appeal come back. I get honest people then. I have friends now who are going to get information on all of you and get even for me. May 13 is coming soon. A copy of the hand written letter was also relied upon.</p> <p>During the hearing you stated, I have never had a problem with staff or inmates. The letter went to the judge. Yes this is my hand writing and signature. It also went to the attorney. I lost everything and was having problems. My friend went to get the transcript from the court. I never threatened anybody. Somebody else wrote it for me. My English is not that good. Somebody helped me but I do not remember who helped me.</p> <p>Based on the reporting officer statement that it was concluded on 5/22/07 that you threatened another person. Specifically, on 5/9/07, you addressed a letter to Judge Peter K. Leisure. IN the letter you made the following statements; I not write any more it not doing good. My appeal come back. I get honest people then. I have friends now who are going to get information on all of you and get even for me. May 13 is coming soon. A copy of the hand written letter was also relied upon. Although you admit to sending the letter but deny threatening anyone, the DHO considered the greater weight of the evidence and finds you committed the prohibitive act of Code 203, Threatening Another with bodily harm.</p>						
VI. SANCTION OR ACTION TAKEN						
<u>Code 203</u> 30 days disciplinary segregation (release 6/29/07) 175 days loss visits (5/31/07-11/21/07)						

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175 days loss phones (5/31/07-11/21/07)
 175 days loss commissary (suspended pending 180 days clear conduct)
 27 days loss GCT (disallow when available)

VII. REASON FOR SANCTION OR ACTION TAKEN

Threatening another with bodily harm as documented in this report will not be tolerated because it can result in violent confrontations which may lead to injuries to staff and inmates. This type of behavior is unacceptable and cannot be tolerated because it undermines the authority of staff and demonstrates a disregard for rules and regulations. This type of behavior disrupts the orderly operation of the institution by impeding staff's ability to perform their assigned duties, and if allowed to continue uncorrected, tends to encourage other inmates to participate in the same type of behavior.

You have been sanctioned to 30 days DS, 27 GCT, 175 days loss of visits, phones, and commissary (susp) to punish you for committing the prohibitive act code 203. To specifically address the DS time and loss of privileges, as DHO I have determined these sanctions to be warranted. These sanctions in the past have proven very effective in having individuals modify their behavior to acceptable standards. These sanctions have been imposed to deter you from future negative behavior and to again remind you that you are to abide by the rules and regulations of this institution and any BOP facility.

VIII. APPEAL RIGHTS: The inmate has been advised of the findings, specific evidence relied on, action and reasons for the action. The inmate has been advised of his right to appeal this action within 20 calendar days under the Administrative Remedy Procedure. A copy of this report has been given to the inmate.

	Yes	X	No		
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IX. DISCIPLINE HEARING OFFICER

Printed Name of DHO	Signature of DHO	Date
D. Garcia		5/31/07
Report delivered to inmate by:	DATE	TIME

(This form may be replicated in WP)

Replaces BP-304(52) of JAN 88

Delivered via Institutional Mail